

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

|                                  |   |                    |
|----------------------------------|---|--------------------|
| CITIZENS UTILITY BOARD           | ) |                    |
|                                  | ) |                    |
| Complaint requesting the ICC     | ) |                    |
| To order Peoples Energy Services | ) | Docket No. 03-0592 |
| To cease and desist misleading   | ) |                    |
| Marketing of gas offering        | ) |                    |

**MOTION TO STAY ENFORCEMENT OF THE  
ILLINOIS COMMERCE COMMISSION ORDER PENDING REHEARING**

Peoples Energy Services Corporation ("PE Services"), by and through its attorneys and pursuant to 83 Ill. Adm. Code Section 200.190(a), hereby moves the Illinois Commerce Commission ("Commission") to stay enforcement of its Order in this matter pending rehearing. In support of its motion, PE Service states as follows:

1. On July 21, 2004, the Commission issued an Order holding that an offer distributed by PE Services ("Offer") contravened the requirements of the Alternative Gas Supplier Law ("AGS Law") 220 ILCS 5/19-100 *et seq.*

2. Specifically, the Commission held that PE Services failed to submit marketing materials related to a limited offer to the Commission prior to dissemination. In addition, the Commission determined that the Offer failed to adequately disclose the *force majeure* clause, the early termination clause, and the ability to return a customer to the delivery utility. Order at 37.

3. The Order requires PE Services to distribute a letter ("Letter") to consumers clarifying the terms of the Offer that were found to have been inadequately disclosed. Order at 38.

16           4.       Moreover, the Commission Order provided that PE Services shall  
17 distribute the Letter within thirty (30) days from the date of the Order and shall submit  
18 the Letter to Staff prior to sending it to customers. Order at 38.

19           5.       The Illinois Public Utilities Act (the "Act") provides that a party may file a  
20 petition for rehearing within thirty (30) days after service of an order. 220 ILCS § 5/10-  
21 113.

22           6.       The Act further allows the Commission twenty (20) days to consider a  
23 petition for rehearing. Id.

24           7.       Because PE Services may petition for rehearing of the Commission  
25 decision, PE Services seeks to stay enforcement of the Order that it distribute the Letter  
26 within thirty (30) days from the date of the Order.

27           Wherefore, PE Services requests that the Commission grant an Order staying  
28 enforcement of the July 21, 2004 Order for a period of twenty (20) days or until after this  
29 Commission issues an order on a petition for rehearing, whichever is later.

Dated: August 19, 2004

Respectfully submitted

PEOPLES ENERGY SERVICES  
CORPORATION

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**CERTIFICATE OF SERVICE AND NOTICE OF FILING**

I hereby certify that I have this day filed by e-docket Peoples Energy Services Corporation's Motion to Stay Enforcement of the July 21, 2004 Order Pending Rehearing, and served those documents by electronic mail to each of the parties of record in Illinois Commerce Commission Docket No. 03-0592.

Dated at Chicago, Illinois this 19th day of August, 2004.

By: /S/ MARY KLYASHEFF  
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An Attorney for  
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Dated at Chicago, Illinois  
this 19th day of August, 2004